

Message Text

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PAGE 01 GENEVA 05091 01 OF 02 021549Z

43

ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 ERDA-05 CIAE-00 H-02 INR-07 NSAE-00 OIC-02

OMB-01 PA-01 PM-03 PRS-01 SAJ-01 SAM-01 SP-02 SS-15

TRSE-00 DODE-00 NSC-05 ACDA-05 BIB-01 /077 W

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O R 021342Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 4244

INFO AMEMBASSY BONN

AMEMBASSY MOSCOW

USMISSION NATO

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 5091

EO 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: ORGANIZATION OF FINAL DOCUMENTS

FOR EUR/RPM AND L/EUR

REF: A. GENEVA 5020; B. STATE 146705; C. GENEVA 4947; D. STATE
155808; E. STATE 153472

1. INFORMAL WORKING GROUP ON ORGANIZATION OF THE FINAL DOCUMENTS
COMPOSED OF US, UK, FRG, SWISS, DUTCH, FRENCH AND ROMANIAN
DELS MET EVENING OF JULY 1 TO DISCUSS THE DISCLAIMER ON THE
NATURE OF THE CSCE DOCUMENTS AND RELATED MATTERS.

2. FRG AND UK DELS INFORMED THE GROUP THAT THEY COULD ACCEPT
THE TEXT OF THE LETTER TO THE UN SECRETARY-GENERAL AS SET-
FORTH PARA 5 REF A IF UK DISCLAIMER REPORTED REF C WERE TO
BECOME THE TENTH AND FINAL PARA OF FINAL ACT AND FRENCH
ADDITION TO PENULTIMATE NINTH PARA OF FINAL ACT, CONCERNING
NON-REGISTRATION OF DOCUMENTS UNDER UN CHARTER ARTICLE 102,
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PAGE 02 GENEVA 05091 01 OF 02 021549Z

WERE ACCEPTED (PARA 6 REF A)/. US DEL, ACTING ON THE BASIS

OF TELEPHONE SUMMARY OF REF D, STATED THAT US REQUIRED REDRAFTING OF PARA 1, ELIMINATION OF PARA 2 AND REDRAFTING OF PARA 3 OF LETTER TO UN. HE TABLED NEW LANGUAGE FOR ADDITION TO PARA 9 OF THE FINAL ACT TO TAKE THE PLACE OF FRENCH PROPOSAL AND STATED THAT US WOULD ALSO REQUIRE A DISCLAIMER IN FINAL ACT ALONG THE LINES OF TEXT SETFORTH REF B.

3. ROMANIANS AND SWISS, REPRESENTING EAST BLOC AND NEUTRALS RESPECTIVELY, OBJECTED STRENUOUSLY TO US LANGUAGE PROPOSED FOR PARA 9 OF FINAL ACT SAYING THAT NEGATIVE LANGUAGE, STATING THAT DOCUMENTS ARE NOT TREATIES OR AGREEMENTS, MUST BE CONFINED TO THE UN LETTER AND THAT THE FINAL ACT COULD CONTAIN ONLY "POSITIVE LANGUAGE" DESCRIBING WHAT DOCUMENTS ARE. SWISS DELS SAID HE COULD ONLY PARTICIPATE IN FURTHER DRAFTING ON THE BASIS OF THIS UNDERSTANDING. UK DEL THEN TABLED FOLLOWING LANGUAGE FOR INCLUSION IN PARA 9 OF FINAL ACT: "THE GOVERNMENT OF THE REPUBLIC OF FINLAND IS REQUESTED TO TRANSMIT TO THE SECRETARY GENERAL OF THE UNITED NATIONS THE TEXT OF THIS FINAL ACT, WHICH BY ITS NATURE IS NOT ELIGIBLE IN WHOLE OR IN PART FOR REGISTRATION UNDER ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS, WITH A VIEW TO ITS DISTRIBUTION TO ALL MEMBER STATES OF THE ORGANIZATION."

4. US DEL STATED THAT HIS INSTRUCTIONS DID NOT PERMIT HIM TO ACCEPT SUCH A FORMULATION, AND PRESSED FOR CHARACTERIZATION OF DOCUMENT IN PARA 9 AS A "DOCUMENT OF THE UNITED NATIONS". THOUGH THIS POINT MET WITH SOME SYMPATHY ON THE PART OF FRG AND UK, GENERAL REACTION WAS THAT SOVIETS WOULD FIND THIS IMPOSSIBLE SINCE A DOCUMENT OF THE UNITED NATIONS HAS THE LOWEST STATUS. UK DEL URGED THAT WE LEAVE THE QUESTION OF STATUS OPEN AS IN HIS TEXT; FRG DEL RESERVED AND US DEL AGREED TO SEEK FURTHER GUIDANCE.

5. TURNING TO THE TEXT OF THE LETTER TO THE SECRETARY-GENERAL, US DEL PRESSED FOR AMENDMENT TO PARA 1, DELETION OF PARA 2 AND NEW LANGUAGE AS PER INSTRUCTIONS FOR PARA CONFIDENTIAL

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PAGE 03 GENEVA 05091 01 OF 02 021549Z

3. WORKING GROUP AGREED TO ADJUST PARA 1 TO CORRESPOND TO UK PROPOSAL FOR PARA 9 ABOVE, SUBSTANTIALLY DELETE PARA 2 AND ACCEPT US LANGUAGE FOR PARA 3. TEXT OF LETTER DICTATED BY UK DEL WOULD READ AS FOLLOWS:

QUOTE: HIGH REPRESENTATIVES OF THE STATES PARTICIPATING IN THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE HAVE ASKED THE GOVERNMENT OF THE REPUBLIC OF FINLAND

TO TRANSMIT TO YOU THE TEXT OF THE FINAL ACT OF THAT
CONFERENCE SIGNED AT HELSINKI ON THE ...DAY OF

...

--I WOULD BE GRATEFUL, MR. SECRETARY-GENERAL, IF YOU
WOULD BE GOOD ENOUGH TO ARRANGE FOR THE DISTRUBUTION
OF THE TEXT OF THIS FINAL ACT TO MEMBER STATES OF THE
UNITED NATIONS.

---PERMIT ME TO DRAW YOUR ATTENTION TO THE FACT THAT
NEITHER THE FINAL ACT NOR ANY OF THE DOCUMENTS REFERRED
TO IN IT ARE TREATIES OR INTERNATIONAL AGREEMENTS, AND
THEREFORE THEY ARE NOT TO BE REGISTERED IN WHOLE OR IN
PART WITH THE SECRETARIAT OF THE UNITED NATIONS PURSUANT
TO ARTICLE 102 OF THE UNITED NATIONS CHARTER. END QUOTE.
TEXT OF UN LETTER IS TO BE FORMALLY ADOPTED BY THE CON-
FERENCE IN THE MANNER DESCRIBED IN REF A.

6. WORKING GROUP THEN TURNED TO CONSIDERATION OF A
FURTHER DISCLAIMER CLAUSE FOR PARA 10 OF THE FINAL ACT.
ROMANIAN AND SWISS DELS EXPRESSED THE HOPE THAT NO
FURTHER DISCLAIMER WOULD BE NECESSARY BUT US DEL MADE
IT CLEAR THAT THIS WAS ABSOLUTELY ESSENTIAL, AND UK
DEL, WITH STRONG FRG SUPPORT, PROPOSED UK TEXT (REF
C) FOR THIS PURPOSE. THESE DELEGATIONS ARE ATTRACTED
TO UK IDEA THAT FINAL SIGNATURE MERELY AUTHENTICATES
THE TEXT. DRAWING ON REF (E), US DEL STATED THAT UK TEXT WAS UNSAT-
ISFACTORY AS A BASIS FOR DRAFTING. ROMANIAN DEL OBJECTED TO UK
AUTHENTICICATION CONCEPT SAYING THAT THIS WOULD TRANS-
FORM OUR CHIEFS OF STATE INTO NOTARIES PUBLIC. TAKING
ACCOUNT OF OBJECTIONS TO US TEXT REPORTED REF A, US
DEL SUGGESTED A COMPROMISE TEXT, BASED ON US DISCLAIMER
CONTAINED REF B, WHICH AFTER EXTENSIVE DISCUSSION AND
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PAGE 04 GENEVA 05091 01 OF 02 021549Z

SEVERAL AMENDMENTS WOULD READ AS FOLLOWS AND COMPRISE
TENTH AND FINAL PARA OF FINAL ACT:

QUOTE: THE UNDERSIGNED HIGH REPRESENTATIVES OF THE
PARTICIPATING STATES, MINDFUL OF THE HIGH POLITICAL
SIGNIFICANCE OF THE RESULTS OF THE CONFERENCE, DE-
CLARING THE DETERMINATION OF THEIR GOVERNMENTS TO
ACT IN ACCORDANCE WITH THE ABOVE PROVISIONS, HAVE
SUBSCRIBED THEIR SIGNATURES BELOW". UNQUOTE.

7. UK AND FRG DELS ABANDONED UK TEXT IN FAVOR OF THE
ABOVE WITH SOME RELUCTANCE. ROMANIAN AND SWISS DELS
FOUND TEXT ACCEPTABLE ONLY IF WORD "GUIDED"
AND REFERENCE TO "DECLARATIONS, RECOMMENDATIONS
AND RESOLUTIONS" WERE DELETED FOR REASONS SETFORTH REF

A. FRG REQUIRED DELETION OF REFERENCE TO "RELATIONS WITH EACH OTHER" BECAUSE IT IMPLIED EXCLUSION OF BERLIN; A MATTER WHICH FRG HOPES TO DEAL WITH IN OTHER CONTEXT.

8. US DEL LEGAL ADVISOR WHO RESPRESENTED US AT ABOVE MEETING, FEELS THAT ABOVE QUOTED TEXTS, THOUGH NOT ALL THAT WE WOULD DESIRE, COMPRISE AN ACCEPTABLE PACKAGE ON THE DISCLAIMER CONCERNING THE NATURE OF THE CSCE TEXTS. THOUGH AN EXPRESS STATEMENT IN THE FINAL ACT THAT CSCE TEXTS ARE NOT LEGAL DOCUMENTS WOULD BE DESIRABLE, SUCH A STATEMENT WOULD BE UNACCEPTABLE TO NEUTRALS, EAST BLOC AND MANY OF OUR ALLIES. EVEN FRG AND UK, WHO HAVE BEEN

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PAGE 01 GENEVA 05091 02 OF 02 021518Z

43

ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 ERDA-05 CIAE-00 H-02 INR-07 NSAE-00 OIC-02

OMB-01 PA-01 PM-03 PRS-01 SAJ-01 SAM-01 SP-02 SS-15

TRSE-00 DODE-00 NSC-05 ACDA-05 BIB-01 /077 W

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 5091

HELPFUL IN THIS MATTER, FEEL SUCH A STATEMENT WOULD DEGRADE THE PROPOSED SUMMIT AND BE UNENECESARY. SWISS AND ROMANIANS FEEL THAT THREE ELEMENTS TO DISCLAIMER PACKAGE ARE EXCESSIVE AND FRENCH DEL ALSO QUESTIONED THE NECESSITY FOR THREE METHODS OF DISCLAIMER. PACKAGE WAS ATTAINABLE ONLY THROUGH COOPERATION OF ROMANIAN DEL, WHO IS INFORMAL CHAIRMAN OF WORKING GROUP, UN-

DOUBTEDLY PARTLY IN RESPONSE TO US ASSISTANCE EARLIER
SAME DAY IN COMPLETING FIRST READING OF ROMANIAN PRO-
POSAL ON MEASURES TO IMPLEMENT NON-USE OF FORCE. GENERAL
ASSUMPTION OF ALL CONFERENCE AND KNOWLEDGEABLE MEMBERS OF
CONGRESS IS THAT CONFERENCE RESULTS ARE TO BE LEGALLY
NON-BINDING. QUITE APART FROM DISCLAIMER, WE FEEL THAT
CONFERENCE TEXT ON THE WHOLE WILL STAND UP UNDER SCRUTINY
ON THEIR INDIVIDUAL MERITS AS NON-LEGAL TEXTS. IT WOULD
BE OUR HOPE, THEN, THAT DISCLAIMER WILL BE VIEWED AS
ADEQUATE IF IT COVERS OUR TECHNICAL LEGAL REQUIREMENTS.
IF DEPARTMENT BELIEVES IT WOULD BE DESIRABLE TO HAVE
SOMETHING MORE FOR PUBLIC AND CONGRESSIONAL RELATIONS
PURPOSES, CONSIDERATION MIGHT BE GIVEN TO SOME FORM OF
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PAGE 02 GENEVA 05091 02 OF 02 021518Z

STATEMENT OF STAGE III UNDERLINING NON-LEGAL CHARACTER OF
TEXTS.

9. ACTION REQUESTED: DELEGATION REQUESTS DEPARTMENT
COMMENTS AND SEEKS DEPARTMENT APPROVAL OF THE THREE TEXTS
QUOTED PARAS 3, 5, AND 6 ABOVE AS A SOLUTION TO DISCLAIMER
CONCERNING NON-LEGAL NATURE OF CSCE TEXTS IN TIME FOR NEXT
MEETING OF WORKING GROUP SCHEDULED FOR 1800 ON THURSDAY
JULY 3. DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, REGISTRATION, COLLECTIVE SECURITY, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 02 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: WorrelSW
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA05091
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750229-0545
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750792/aaaaderd.tel
Line Count: 251
Locator: TEXT ON-LINE, ON MICROFILM
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Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
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Margaret P. Grafeld
Declassified/Released
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06 JUL 2006

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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
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To: STATE
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Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006